

98TH CONGRESS } HOUSE OF REPRESENTATIVES { REPT. 98-88
1st Session } Part 1

RESOLUTION OF INQUIRY DIRECTING THE PRESIDENT TO FURNISH CERTAIN INFORMATION WITH RESPECT TO U.S. ACTIVITIES IN HONDURAS AND NICARAGUA

MAY 4, 1983.—Ordered to be printed

Mr. NICHOLS, from the Committee on Armed Services,
submitted the following

ADVERSE REPORT

[To accompany H. Res. 159 which on April 13, 1983, was referred jointly to the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence]

The Committee on Armed Services, to whom was referred the resolution (H. Res. 159) directing the President to furnish certain information to the House of Representatives with respect to U.S. activities in Honduras and Nicaragua, having considered the same, report unfavorably thereon and recommend that the resolution do not pass.

COMMITTEE CONSIDERATION OF THE RESOLUTION

The Committee on Armed Services met on Tuesday, May 3, 1983, to consider House Resolution 159. Since House Resolution 159 is a privileged resolution, the committee was bound to report to the House within 14 legislative days from the date it was referred to the committee (Apr. 13, 1983).

DISCUSSION

H. Res. 159 would direct the President to provide the House of Representatives with a substantial amount of documentation relative to U.S. activities in and over Honduras and Nicaragua during the period March 1, 1981 through April 15, 1983. The information would have to be produced within 10 days after the date of adoption of the resolution.

Deficiencies in the resolution

Unlike the usual practice of the House in a resolution of inquiry addressed to the President, rather than requesting him to produce the documents, this resolution directs the production of the information.

The mandatory nature of H. Res. 159 could place the President in an untenable position concerning compliance if the resolution were agreed to in its present form.

The resolution would require the production of a substantial amount of documentation within a 10-day period of its adoption. For example, paragraph (2) of the resolution would require production of:

* * * any documents listing military weapons and equipment furnished by or on behalf of any agency of the United States to Honduras or any group or individual in Honduras * * * including (A) any documents distinguishing such weapons and equipment by type, (B) any documents showing whether the recipients of such weapons or equipment were Honduran military forces or were other groups or individuals, including documents identifying any such groups or individuals and the weapons or equipment they received, and (C) any documents showing that any such military weapons and equipment are no longer in Honduras, including any documents showing the disposition of such weapons and equipment.

To comply fully with the elements of this resolution the President would have to insure that the files of all departments and agencies of the executive branch were searched to locate any documents in existence which could be within the scope of the resolution. It would not serve the House or the Nation well to place the President in a position in which it is all too likely that he could not comply fully.

Action of the Permanent Select Committee on Intelligence

This committee has been informed that the Permanent Select Committee on Intelligence voted unanimously on May 3, 1983, to report H. Res. 159 unfavorably and announced that it intended to request a secret session of the House in connection with the House consideration of H.R. 2760, a bill to amend the Intelligence Authorization Act for fiscal year 1983 to prohibit U.S. support for military or paramilitary operations in Nicaragua and to authorize assistance, to be openly provided to governments of countries in Central America, to interdict the supply of military equipment from Nicaragua and Cuba to individuals, groups, organizations, or movements seeking to overthrow governments of countries in Central America. It is our understanding that at that secret meeting the select committee will make an indepth presentation concerning the Central American issues and particularly matters relating to Nicaragua. It is the opinion of the committee, and we understand that of the Select Committee on Intelligence, that the secret meeting of the House is a more appropriate way to receive a report on matters referred to in H. Res. 159.

Serious allegations of the resolution

Implicit in the resolution are serious allegations of improper conduct on the part of officials of the executive branch of the government, and possibly violations of law. The committee is concerned by the suggestions of such allegations and believes they should be examined fully. Again, it is expected that the above-referenced secret meeting

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In this resolution the President
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Select Committee on Intelli-
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allegations of improper con-
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of the House is the best forum for an examination and discussion of
such matters.

For the above reasons the committee has reported H. Res. 159
adversely and recommends that it not be agreed to.

COMMITTEE POSITION

The Committee on Armed Services, on May 3, 1983, a quorum
being present, reported the resolution adversely by voice vote.

